

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
vs.)	PLAINTIFF WAYNE BERRY'S
)	MOTION IN LIMINE TO
)	EXCLUDE EXPERT TESTIMONY
HAWAIIAN EXPRESS SERVICE,)	OF JEFFREY KINRICH
INC., a California corporation; et al.)	REGARDING MATTERS NOT
)	CONTAINED IN HIS EXPERT
Defendants.)	REPORT
_____)	

**PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE
EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH REGARDING
MATTERS NOT CONTAINED IN HIS EXPERT REPORT**

Comes now Plaintiff WAYNE BERRY, by and through his attorneys, Lynch
Ichida Thompson Kim & Hirota, and moves this Honorable Court for an order
Exclude Expert Testimony of Jeffrey Kinrich Regarding Matters Not Contained
in His Expert Report.


Among the exhibits that were provide to Plaintiff on December 27, 2005
was a proposed demonstrative Exhibit 231 that evidences the PCT's intention to
produce evidence in the testimony of Jeffrey Kinrich that was not addressed in his
Expert report The PCT's expert had the obligation to disclose all opinions that he

intended to offer in this case and may not add matters after the fact to fill in gaps in the PCT's case. The PCT and other defendants should be prevented from putting forward any such evidence at trial.

This motion is made pursuant to Rule 26 of the Federal Rules of Civil Procedure and Rules 401, 402 and 403 of the Federal Rules of Evidence, and is based on the memorandum of law attached hereto, the records and files herein, and such other matters as may be presented to the Court at the hearing of this matter.

Dated: Honolulu, Hawaii

JAN 3 2006


TIMOTHY J. HOGAN
Attorney for Plaintiff
Wayne Berry